

Honorable John C. Coughenour

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASHINGTON TOXICS COALITION, et  
al.,  
  
Plaintiffs,  
  
v.  
  
ENVIRONMENTAL PROTECTION  
AGENCY, et al.,  
  
Defendants,  
  
and  
  
CROPLIFE AMERICA, et al.,  
  
Intervenor-Defendants

NO. C01-0132 C

SECOND DECLARATION OF  
SEEMA A. MAHINI

I, Seema A. Mahini, declare as follows:

1. I am Counsel at CropLife America, one of the Intervenor-Defendants in this action.  
I am a member of the Bar of the District of Columbia (Bar. No. 480242). My responsibilities at  
CLA include providing litigation counsel to CLA and coordinating with CLA's member

1 companies on litigation strategies and other legal matters.

2 2. I have reviewed and am familiar with the transcript of the August 14, 2003 hearing  
3 in this case. At the hearing, the Court stated:

4 I would like you to give careful consideration to the suggestions in Mr. Klise's  
5 submittal, the Mahini affidavit, regarding specific crop and chemical limitations. Like,  
6 for example, the suggestion as to one of the chemicals that it's directly injected into the  
soil so that isn't as much of a runoff problem. If it's applied in that manner, the buffer  
ought to be different or maybe not even apply at all.

7 I'd like you to give . . . careful consideration to that submittal and try to draft crop  
8 specific and chemical specific limitations that will take into consideration the practical  
realities of farming and not impose restrictions beyond what is necessary to give the  
protection to the salmon that we are trying to accomplish.

9 Tr. 54-55.

10 3. To gather information that would assist in the discussing specific crop and chemical  
11 limitations, CropLife contacted member companies that are registrants, manufacturers, or  
12 formulators of products containing the pesticide active ingredients that are at issue in this  
13 litigation. A spreadsheet summarizing their responses on a product-specific basis is attached as  
14 Exhibit 1 to this declaration.

15 4. The type of information included under each column in Exhibit 1 is as follows. The  
16 first through ninth columns summarize information derived from the database maintained by  
17 Crop Data Management Services, Inc. ("CDMS") and reviewed by manufacturers. CDMS is a  
18 private entity that gathers information from manufacturers of crop protection products and  
19 makes it available in searchable form on the internet at  
20 <http://www.cdms.net/pfa/LUpdateMsg.asp>. Paragraphs 5 through 13 below describe these  
21 columns.

22 5. The first column, headed "Active Ingredient," identifies the particular active  
23 ingredient at issue in this litigation.

24 6. The second column, headed "Product," identifies a particular product containing the  
25 active ingredient.

26 7. The third column, headed "Manufacturer," identifies the manufacturer of the

1 product.

2 8. The fourth column, headed "Reg. no.," identifies the registration number for the  
3 product under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA").

4 9. The fifth column, headed "States," identifies the states in which the product is  
5 registered for the uses given.

6 10. The sixth column, headed "Application Method," identifies the method by which the  
7 product is applied.

8 11. The seventh column, headed "Crops," identifies the crops for which the product is  
9 used.

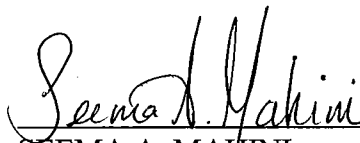
10 12. The eighth column, headed "Water-related label restrictions," identifies any water-  
11 related restrictions contained in the current EPA-approved label for the product.

12 13. The ninth column, headed "Aquatic Use," identifies with an "X" those products that  
13 are authorized for direct application to water.

14 14. The tenth and eleventh columns, headed "Proposed interim injunctive relief buffer"  
15 and "Reasoning," respectively, identify the buffer zone or zones that the company is proposing  
16 as the appropriate buffer zone for interim relief in this case, and the rationale for the proposed  
17 buffer zone(s). CropLife obtained the information in these two columns from the companies,  
18 not directly from the CDMS data base. An entry of "Pending" in the tenth column refers to  
19 pesticide products for which CropLife had not received a proposal from the company as of  
20 September 29, 2003.

21 I declare under penalty of perjury that the foregoing is true and correct.

22 Executed on October 2, 2003, in Washington, D.C.

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25 SEEMA A. MAHINI  
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